


COUNTY OF YORK

MEMORANDUM

DATE: June 14, 2006 (BOS Mtg. 6/27/06)

TO: York County Board of Supervisors

FROM: James O. McReynolds, County Administrator 

SUBJECT: Application No. UP-700-06, Premier Properties USA, Inc.: Request for increases in sign area and height

ISSUE

This application requests a Special Use Permit, pursuant to Section 24.1-712 of the York County Zoning Ordinance, to authorize increases in sign area and height for a previously approved retail center (The Marquis) to be located on property at 165 and 175 Water Country Parkway and further identified as Assessor's Parcel Nos. 11-4-3 and 11-91. The properties are located at the southeast quadrant of the southern Humelsine Parkway (Route 199)/Interstate 64 interchange and south of Water Country Parkway (Route 640). The property is zoned EO (Economic Opportunity) and is designated Economic Opportunity in the Comprehensive Plan.

In accordance with Zoning Ordinance Section 24.1-712, requests for increases in sign area and/or height may be granted by the Board of Supervisors *"When unusual topography, vegetation, parcel shape, or the distance from the road right-of-way would impose substantial hardship by making a sign, otherwise permitted by the terms of this chapter, ineffective and unreadable from vehicles on adjoining (i.e., abutting) roadways."*

DESCRIPTION

- Property Owners: Busch Properties, Inc. (Parcel No. 11-4-3) and Marquis at Williamsburg, LLC (Parcel No. 11-91). Applicant is contract purchaser of Parcel No. 11-4-3.
- Location: 175 & 165 (portion) Water Country Parkway (Route 640)
- Area: Approximately 178 acres
- Frontage: Approximately 430 feet on Water Country Parkway, 3,400 feet on I-64, 1,900 feet on Route 199
- Topography: Varied
- Zoning Classification: EO – Economic Opportunity
HRM – Historic Resources Management overlay

- Existing Development: None; Phase I-A site plan has been submitted for review

- Surrounding Development:

North: Water Country USA water park; Days Inn and President's Park (across Route 199)

East: U.S. Naval Weapons Station-Yorktown

South: Williamsburg Country Club (across I-64)

West: Penniman East and Country Club Acres residential subdivisions (across I-64)

- Proposed Development: Approximately 800,000-square foot retail center

CONSIDERATIONS/CONCLUSIONS

1. On December 20, 2005, the applicant was granted approval for Special Use Permit UP-686-05, which authorized an 800,000-square foot retail center on the subject property. A revised concept plan that shifted the location of some of the proposed "junior anchor" stores was approved by the Board of Supervisors on May 16, 2006. Copies of the original and amended sketch plans are attached. It should be noted that the proposed locations and occupants (Target and JC Penney) of the two stores included in this sign authorization proposal were a part of the December, 2005 project approval.
2. The applicant is requesting increases in sign area and height for a proposed free-standing monument sign to be located at the Route 199 entrance to the proposed retail center (at the existing Water Country entrance) and increases in building sign area for two retail buildings (Target and JC Penney) within the development. The existing freestanding Water Country sign would be relocated to a new entrance to the water park proposed to be constructed further east on Route 199. According to the SUP approval for the retail center, the entrance from Route 199 may be constructed as a private commercial drive or as a road to be publicly dedicated. For the purposes of this application, the applicant has indicated an intention for the access to be a private commercial entrance.
3. In accordance with Section 24.1-703 of the Zoning Ordinance, the maximum permitted sign area for a freestanding commercial identification sign is 64 square feet and the maximum permitted height is 10 feet. All freestanding identification signs in the EO District are required to be monument-style.
4. The applicant initially proposed a freestanding sign that was approximately 666 square feet in area and 40 feet in height. Subsequent to the Planning Commission meeting, the applicant has submitted a revised request for the freestanding sign – now proposed to be approximately 275 square feet in area and 25 feet high.

5. Zoning Ordinance Section 24.1-712 provides for increases in sign height and/or area only when hardship can be demonstrated relative to topography, vegetation, parcel shape, or distance from road right-of-way. Assuming that the proposed entrance road will be a private right-of-way, the proposed freestanding sign could be located on the applicant's property within the existing raised landscape island. With the sign set back the required ten (10) feet from the property line, it would be approximately 60 feet from the edge of pavement on Route 199, essentially in the same location as the existing Water Country sign. If the access road were to be a public right-of-way, the existing island would become part of the public right-of-way and the sign would have to be located on the south side of the intersection's right-turn entrance lane (with a 10-foot setback from the right-of-way line). Nevertheless, both locations are close to the edge of the roadway and elevated above the level of the road. Although a 45-foot greenbelt buffer is required along Route 199, signs are permitted within greenbelts as long as their placement does not require disturbance of existing trees, "...except to the extent necessary to open limited sight lines for the signs." In staff's opinion, a sign of the permitted size (64 square feet and 10 feet high) would be easily visible from vehicles traveling either direction on Route 199 without necessity of more than a 300 percent increase in sign area and a 150 percent increase in sign height.
6. The applicant's revised proposal also depicts a brick wall on the inside radius of the entrance drive with the "Marquis" mounted on top. This constitutes a second sign for the parcel, and is not permitted – nor can it be permitted through the special use permit process.
7. It should be noted that the applicant plans to subdivide the property and create a separate parcel with Route 199 frontage for Target. If that plan is carried out, the Target site would be entitled to a separate freestanding identification sign (64 square foot area/10 foot height) on the Route 199 frontage. In staff's opinion, that opportunity, plus any identification allotted to Target on the Marquis retail center sign, is sufficient to announce and attract attention to Target's presence on the site.
8. In accordance with Sections 24.1-702(b) and 24.1-703 of the Zoning Ordinance, the maximum permitted sign area for building wall signs is the equivalent of 1.5 square feet of sign area for each linear foot of principal building width, not to exceed an aggregate area of 240 square feet per building. The applicant's requests for increases in permitted aggregate wall sign area for two proposed retail anchor stores in the complex are:
 - 516 square feet of sign area for the proposed Target store (a 115 percent increase); and
 - 501 square feet of sign area for the proposed JC Penney store (a 108 percent increase) (the initial request for the JC Penney store was 711 square feet; the

revised request eliminates signage on the side of the building that will be connected to other stores in accordance with the revised concept plan).

9. According to preliminary site plans and elevations submitted by the applicant, the back of the Target building would be located approximately 150 to 200 feet from and parallel to the edge of Route 199 and would be approximately 30 feet in height. The ground elevation at the base of the building would be approximately 20 feet below the level of Route 199. As previously stated, clearing within the greenbelt buffer along Route 199 would be permitted to establish sight lines for the building signs.

According to the applicant's preliminary site plans, the JC Penney building would be located parallel to and approximately 100 feet from the edge of the proposed main access road serving the center and would be approximately 30 feet in height. The ground elevation of the building would range from even with, to approximately 8 feet below, the elevation of the abutting road. Required plantings within the landscape strip required along the access road could be placed so that building signage would be easily viewed from that roadway. The Penney's building would be located approximately 1,200 feet from the Route 199 right-of-way and views to it from Route 199 will be partially obscured by other buildings (e.g., Target and the smaller tenant spaces attached to Target) in the center. As such, wall signage for the Penney's building will serve primarily for identification to those patrons already in the center's circulation/parking system.

10. Both the Target and JC Penney buildings would be located with the principal store facades oriented to the internal parking and access road for the center. The buildings will be highly visible to anyone entering the center from the access road off Route 199. Given the slow speeds at which vehicles will be traveling on the internal circulation drives and through the parking lot system and the opportunity to install internal directional signage within the center, massive signage on the internal faces of the buildings should not be necessary, in staff's opinion, to attract or direct customers. If it is, then the same could be said for the buildings/stores in any other major retail center in the County whose buildings are subject to the 240 square foot limit. Staff believes that the allowable 240 square feet of aggregate signage can be effectively distributed on the faces of the proposed buildings to serve the necessary functions. For example, on the Target building a greater proportion of the allowable area could be allocated to the sign on the back of the building facing Route 199 to better ensure legibility from vehicles traveling at higher speeds.
11. Staff believes it is important to review this application in the context of the market area in which this center is located – i.e., the Williamsburg area. In that regard, please consider the fact that aggregate wall signage allowances provided by York County's Zoning Ordinance are already more liberal than the allowances in either the City of Williamsburg or James City County. As such, it is staff's opinion that compliance with the normally allowable wall signage regulations will not put the

establishments in this center in any type of competitive disadvantage in the market area (for example, the existing Target in the Monticello Marketplace retail center has an aggregate wall signage allowance of 95 square feet). Furthermore, the “destination” character of this location and the proposed center would, in staff’s opinion, mitigate the need for larger signs – in other words, just as Water Country USA (a *destination* rather than an *impulse* establishment) has survived and thrived with a freestanding sign that does not exceed normal area and height allowances, so too should the Marquis Center and the establishments within it.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission considered this application at its April 12, 2006, meeting. After conducting a public hearing, at which the applicant’s representative and a resident of the Penniman East subdivision spoke, the Commission voted to recommend denial of the request.

RECOMMENDATION

On December 2, 2003, the Board of Supervisors adopted Zoning Ordinance text amendments (Ordinance No. R03-42(R)) that included a provision establishing a 240-square foot area maximum limitation on building wall signage. The amendment was initiated to further County efforts to enhance the appearance of its major road corridors. Section 24.1-712 requires that hardship must be demonstrated relative to topography, vegetation, parcel shape, or distance from road right-of-way before increases in sign area or height can be approved. As discussed above, it is staff’s opinion that a 64-square foot/10 foot high freestanding sign located in the landscaped traffic island and 10 feet from the Route 199 right-of-way would be clearly visible from all travel lanes.

It should be noted that the proposed retail center was approved with the understanding that it would be a “lifestyle” center with a strong pedestrian orientation. While the two anchor stores that are the subject of the wall signage element of this application are shown on the approved concept plan as freestanding buildings separate from the grouping of buildings that will form the “main street” area, they are still oriented *toward* the center of the site. As noted above, once patrons enter the development from the Route 199 access road, the buildings themselves will be easily visible and the signage on their faces need not be massive because of the lower vehicle speeds on the internal circulation system and within the parking areas and the opportunities for internal directional signage. The signage allowances provided by the Zoning Ordinance do not appear to be inconsistent with this type of development or with the signage allowances elsewhere in the Greater Williamsburg market area. In fact, the strong pedestrian orientation might even argue for a lesser sign area allowance than that needed for commercial development along a major highway corridor.

In staff’s opinion, the overall development is the “destination” and that can be appropriately identified by the freestanding signage allowances, just as Water Country is. Added

to that, Target will be entitled to a separate freestanding sign if it is subdivided as a separate parcel with Route 199 frontage. Once within the “destination” the normal building sign allowances appear adequate to staff, especially given the intended pedestrian orientation. Therefore, in staff’s opinion, hardships justifying increases in freestanding and wall signage do not exist. For these reasons, staff recommends denial of the Special Use Permit request. This can be achieved through the denial of proposed Resolution R06-92.

However, should the Board wish to approve additional signage allowances, but to a lesser degree than requested, an alternate resolution (proposed Resolution R06-93) is attached for consideration. The conditions in this resolution would limit the freestanding sign area allowance to 150 square feet, which is the size that would be permitted if this development were a “shopping center” as defined by the Zoning Ordinance. Furthermore, with respect to building signage, additional sign area is suggested to be limited to the Target building since that is the only one of the two that has any *external* orientation. The additional allowance of 100 square feet would provide some deviation from the usual standards to accommodate larger signage on the outward facing wall(s).

Again, please understand that staff is not recommending this approach but merely suggesting it as an alternative should there be a desire to grant the applicant additional sign area. In staff’s opinion, to grant any increase in sign area or height in the absence of a demonstrated hardship, as the Zoning Ordinance requires, could begin to erode the effectiveness of the Board’s sign policies and standards.

Carter/3337:AMP

Attachments:

- Excerpts – Planning Commission Minutes
- Applicant’s narrative
- Applicant’s sign plan
- Sketch Plan – Original: approved December 2005
- Sketch Plan – Revised: approved May 2006
- Proposed Resolution No. R06-92 (to approve applicant’s request as submitted)
- Proposed Resolution No. R06-93 (to approve a lesser increase)